

REMARKS

Claims 1-12 and 22 are currently pending in this application. Applicant is amending herewith Claim 1. Applicant is also adding herewith a new Claim 43. Applicant submits that support for this amendment can be found generally throughout the specification. Applicant submits that the foregoing amendments do not add new matter, and, therefore, should be entered. Following entry of these amendments, Claims 1-12, 22 and 43 will be pending and subject to further examination.

The Office Action

The examiner has maintained his rejection of Claims 1-12 and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant is amending Claim 1 to overcome this rejection. Claims 1-4, 7-11 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Reeves et al. (U.S. Patent No. 5,508,084) in view of Schobermayr (U.S. Patent No. 4,758,072). Claims 5, 6 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Reeves et al. in view of Schobermayr and further in view of Higgs (GB 2 289 520 A). Applicant respectfully traverses the foregoing rejections.

The Rejection Under 35 U.S.C. § 112

Claims 1-12 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. The rejection states that it is unclear from the specification and drawings what is meant by the term "same material." The rejection asks whether "same material" means the two materials are identical or from the same family of

materials; *i.e.*, the layers are both high density polyethylene or the upper planar layer is high density polyethylene while the lower planar layer is low density polyethylene.

Applicant believes that the term "same material" is not indefinite. As the Examiner's own example shows, if one intended to include high density polyethylene and low density polyethylene, one would designate it as from the same family of materials; not from the same material. Nevertheless, Applicant is amending Claim 1 herewith to more clearly state that the upper and lower planar layers are constructed from the identical material. Applicant submits that this amendment does not change the scope of the claim.

Applicant submits that the claims, as amended, overcome the present rejection. Accordingly, it is respectfully requested that the rejection of Claims 1-12 and 22 under 35 U.S.C. § 112, second paragraph, be withdrawn

The Rejection Under 35 U.S.C. § 103

Claims 1-4, 7-11 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Reeves et al. in view of Schobermayr. The rejection states that it would have been obvious to have provided the oriented polypropylene layers as the layers of Reeves et al. in order to have a composite material that does not effect the properties of the individual layers of polypropylene as taught by Schobermayr. Applicant respectfully disagrees.

Reeves et al. relates to a repositionable article suitable for use as a mouse mat. The repositionable article includes a variety of different constructions, as shown by the drawing. The structure shown in Fig. 5, which is the embodiment relied upon by the Office

Action, comprises an upper control layer 19, which is adhered to a plastic or paper layer 15 by an adhesive layer 17, and the plastic or paper layer 15 is adhered to a plastic or paper layer 29 by an adhesive layer 27. Disposed on the bottom surface of the plastic or paper layer 29 is an adhesive layer 31 which can be a permanent adhesive or a repositionable adhesive.

The layers 15 and 19 are disclosed as being made from a polymeric film selected from polyvinyls, polyurethanes, polyesters, *e.g.*, polyethylene terephthalate, polyacrylics, polycarbonates, polyolefins, and mixtures thereof (col. 10, lines 22-25). Polyurethanes are preferred because they typically yield control surfaces which offer an optimum combination of high toughness and durability coupled with high softness and flexibility (col. 10, lines 25-28). Contrary to the assertion of the Office Action, Reeves et al. does not disclose that the upper layer and the lower layer are made from the identical material. Reeves states that when the layer 15 is made from plastic, the control layer 19 can be made from polyester, polyvinyl chloride, polystyrene, polypropylene, polyethylene, polybutylene, copolymers of polyethylene and vinyl acetate, cellulose di- and triacetate and ethyl cellulose (col. 13, lines 28-33). Thus, it would be possible for Reeves et al. to have a control layer 19 made from polycarbonates and a layer 15 made from polyurethanes. There is no disclosure whatsoever, that the layers 19 and 29 of Reeves et al. must be made from the identical material.

The Office Action acknowledges that Reeves et al. does not disclose the upper and lower planar layers being non-adhesively bonded to the rigid planar tile of molded plastic. Thus, Reeves et al. does not disclose two elements of Claims 1; *i.e.*, the upper planar

layer and the lower planar layer being made from the identical material and non-adhesively bonding those identical layers to the intermediate molded plastic layer.

The secondary reference to Schobermayr does not supply these missing teachings. Furthermore, there is no motivation for combining Schobermayr with Reeves et al.

Schobermayr relates to rigid shaped bodies, such as a plate or a pipe, comprised of a plurality of superposed and/or adjacently laminated, commonly pressed, oriented, *i.e.*, stretched, thermoplastic carriers in film, ribbon, monofil or fiber form. Schobermayr does not disclose that its rigid shaped bodies can be used as mouse mats. Schobermayr does not disclose a tile consisting essentially of three laminae; Schobermayr disclose laminating together 50 layers of polypropylene film (col. 4, lines 14-20). Although, Schobermayr discloses non-adhesively bonding the layers together, it does not disclose doing so such that the process does not produce distortion of the shaped body during the moulding process. Schobermayr is primarily concerned with the lamination of numerous layers of oriented (*i.e.*, stretched) polypropylene film to produce a product having improved properties of modulus, tensile strength, breaking elongation, luminous values and impact energy. None of these properties are disclose in Reeves et al. as being desirable properties for a mouse mat.

There is simply no motivation in Reeves et al. or Schobermayr for combining the teachings of these two references. Reeves et al. specifically employs adhesive lamination and there is no disclosure or suggestion that non-adhesive lamination would be useful. Schobermayr discloses a stronger, more break resistant plate or pipe. Although Schobermayr discloses a lamination process, the purpose and the product are so radically different from

that of Reeves et al. that one skilled in the art would not be expected to look to Schobermayr for assistance in making a mouse mat. Thus, Schobermayr is non-analogous prior art. It is only through the improper use of hindsight reconstruction that the Office Action combines the teachings of Reeves et al. and Schobermayr. However, such an approach to the issue of obviousness is improper.

Therefore, for all the reasons stated above, the rejection of Claims 1-4, 7-11 and 22 under 35 U.S.C. § 103(a) as being obvious and unpatentable over Reeves et al. in view of Schobermayr is improper and should be withdrawn.

Claims 5, 6 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Reeves et al. in view of Schobermayr and further in view of Higgs. However, Claims 5, 6 and 12 ultimately depend from Claim 1 and therefore rely for patentability on the patentability of Claim 1. Accordingly, for the reasons stated above, Applicant respectfully submit that the rejection of Claims 5, 6 and 12 under 35 U.S.C. § 103(a) as being obvious and unpatentable over Reeves et al. in view of Schobermayr and further in view of Higgs is improper and should be withdrawn.

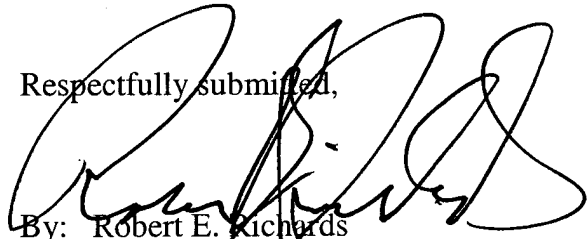
New Claim

Applicant is adding herewith a new Claim 43. Applicant is amending Claim 1 herewith to remove the limitation that the external non-slip coating provided on the lower planar layer is formed by screen printing. Instead, the screen printing limitation is being placed in new dependent Claim 43. Applicants submit that new Claim 43 relies for patentability on Claim 1. Since Claim 1 contains patentable subject matter, as set forth above, applicant submits that Claim 43 is similarly patentable.

Conclusion

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and remarks. Applicant submits that all claims are now in condition for allowance. Applicant further requests a telephone interview of this case with the Examiner. Accordingly, applicant requests that the Examiner call the undersigned counsel at 404-745-2408 to schedule the telephone interview. Such action is courteously solicited.

Respectfully submitted,



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